

### **REMARKS**

In view of the Request for Continued Examination being filed herewith, and in view of the foregoing amendments and following remarks, reevaluation and reconsideration of the application is respectfully requested.

This Amendment is being filed in response to the Office Communication mailed on February 16, 2010 from the U.S. Patent and Trademark Office, and further in view of the Decision on Appeal mailed on September 14, 2009 from the U.S. Patent and Trademark Office in which The Board of Patent Appeals and Interferences affirmed the rejection of claims 1, 3-24, 26-34, 36, 40-55, 57-61 and 75-86 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,565,062 ("Kuris"); and reversed the rejection of claims 37-39 and 57-58 under 35 U.S.C. §103(a) as being obvious over Kuris and U.S. Patent 6,723,451 ("McCullough").

With this Amendment, dependent claims 37-39 and 57-58 have been amended, claims 1, 3-24, 26-34, 36, 40-55, 57-61 and 75-86 have been cancelled (without prejudice or disclaimer), and new claims 87-150 have been added. No new matter is added with this Amendment. Support for the amendments is found throughout the specification, Figures, and original claims as filed. After amending the claims as set forth above, claims 37-39, 57-58 and 87-150 are presented for examination. Thus, Applicants respectfully request reconsideration and allowance of pending claims 37-39, 57-58 and 87-150.

### **Rejections Under 35 U.S.C. § 102(b)**

Applicants filed an Appeal Brief on August 19, 2008 with the Board, appealing the final rejection of claims 1, 3-24, 26-34, 36, 40-55, 57-61 and 75-86 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kuris. The Board of Patent Appeals and Interferences affirmed the rejections against claims 1, 3-24, 26-34, 36, 40-55, 57-61 and 75-86 in the Decision on Appeal mailed on September 14, 2009, and which was subsequently reiterated in the Office Communication mailed on February 16, 2010. Without acceding to the propriety of the rejections or the characterization of the prior art, and in order to advance prosecution of the present application, Applicants have hereby canceled claims 1, 3-24, 26-34, 36, 40-55, 57-61 and 75-86 (without prejudice or disclaimer).

**Rejections Under 35 U.S.C. § 103(a)**

In Applicants' Appeal Brief that was filed on August 19, 2008 with the Board, Applicants also appealed the final rejection of claims 37-39 and 57-58 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuris and McCullough. The Board of Patent Appeals and Interferences reversed the rejections against claims 37-39 and 57-58 in the Decision on Appeal mailed on September 14, 2009, and which was subsequently reiterated in the Office Communication mailed on February 16, 2010:

**The Board of Patent Appeals and Interferences** affirmed the rejection(s) against independent claim(s) 1, 3-24, 26-34, 36, 40-55, 57-61, and 75-86, but **reversed all rejections against claim(s) 37-39 and 57-58 dependent thereon**. There are no allowed claims in the application. The independent claim(s) is/are cancelled by the examiner in accordance with MPEP § 1214.06. **Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form to avoid ABANDONMENT of the application.** NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Prosecution is otherwise closed. (emphasis added)

With this Amendment, Applicants have amended each of dependent claims 37, 38 and 39 to include all the limitations of base claim 34. Thus, amended claims 37, 38 and 39 are now written in independent form. Therefore, Applicants respectfully request reconsideration of amended independent claims 37-39. Similarly, Applicants have amended each of dependent claims 57 and 58 to include all limitations of base claim 55. Thus, amended claims 57 and 58 are now written in independent form. Therefore, Applicants respectfully request reconsideration of amended independent claims 57-58.

**New Claims 87-150**

Support for new claims 87-150 is found throughout Applicants as-filed application, including previously pending claims 36-54, 57-61 and 81-86. No new matter is added.

## CONCLUSION

Applicants have made an earnest effort to respond to all issues raised in the Office Communication of February 16, 2010, and to place all claims presented in condition for allowance. No amendment made herein was for the purpose of narrowing the scope of any claim, unless, of course, Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants submit that pending claims 37-39, 57-58 and 87-150 have been placed in condition for allowance, and respectfully requests an early and favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicants' attorney would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney of record.

The Commissioner for Patents is hereby authorized to charge \$810.00 (Request for Continued Examination (RCE) fee) and any other fees required in connection with the paper transmitted herewith to Deposit Account No. 50-2678, Reference No. 122688-011000/US.

Respectfully submitted,

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